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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,990	06/30/2003	Earl Harling	NIDN-73132	6720

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AMERSHAM BIOSCIENCES  
PATENT DEPARTMENT  
800 CENTENNIAL AVENUE  
PISCATAWAY, NJ 08855

EXAMINER
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LOPEZ, AMADEUS SEBASTIAN

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/009,990	<b>Applicant(s)</b> HARLING ET AL.	
	<b>Examiner</b> Amadeus S. Lopez	<b>Art Unit</b> 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,8,10-15 and 18 is/are allowed.
- 6) ☐ Claim(s) 1-6,9,16,17 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/7/2001</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in Application No. 10009990, filed on June 30, 2003.

### ***Information Disclosure Statement***

2. The information disclosure statement has been considered.

### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Signatures of all individuals of the inventive entity are required.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

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On page 1 in line 34, the word "foetus" should be deleted and replaced with --fetus--.

On page 2 in line 33, the word "to" should be deleted.

On page 9 in line 5, the word "is" should be deleted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 9, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,053,604 to Jaramillo.

7. What is claimed in claim 1 is "a ventilation system for reducing the amount of anaesthetic released from an anaesthetic administration station into a surgery suite, the system comprising at least one inlet positioned adjacent to at least one area of anaesthetic release from the anaesthetic administration station, and a conduit leading from the inlet to an exhaust." In Figure 1, Jaramillo shows a testing apparatus used for the administration of an anaesthetic from the gas

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sources shown graphically as canisters. The anaesthetic is then passed through the valve, flow meter, and vaporizer before it reaches the animals within the four chambers shown. The anaesthetic then passes through each chamber and is suctioned through the inlet at the end of the last chamber on the right hand side and to an exhaust by a vacuum.

8. What is claimed in claim 6 is "the ventilation system of claim 1, wherein said surgery suite is a small animal surgery suite, and said anaesthetic administration station is an induction chamber, where animals are initially anaesthetized." Jaramillo discloses an anaesthetic administration apparatus in which an anaesthetic is sent through conduits to an animal subject within induction chambers designated in figure 1 as rat chambers. In column 4 in lines 51-68 and in column 5 in lines 1-14, Jaramillo describes the set up and steps in an experiment that was carried out involving the induction of animal subjects with an anaesthetic gas located within the induction chambers.

9. What is claimed in claim 9 is "a ventilation system of claim 6, wherein the induction chamber contains a plurality of compartments, including a first compartment where animals are initially anaesthetized having means for the supply and removal of anaesthetic, and a second compartment connected to said inlet, the compartments being arranged such that anaesthetic escaping from the first compartment passes into the second compartment and thence to the inlet." What Jaramillo shows in figure 1 is an anaesthetic administration apparatus in

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which there is a plurality of induction chambers designated as rat chambers.

There is an inlet located at the right side of the fourth compartment located on the far right side. The inlet is connected to a vacuum via a conduit. The vacuum is used to suction the anaesthetic from all the compartments through the perforated walls then to an exhaust. A permeable membrane is shown between each of the compartments as broken lines, showing that gas may pass between each of the four compartments shown.

10. What is claimed in claim 16 is "a method of installing a system for reducing the amount of anaesthetic released from an anaesthetic administration station into a surgery suite, the method comprising positioning at least one inlet adjacent to an administration station, and connecting the inlet to an exhaust by means of a conduit." In figure 1, Jaramillo shows an anaesthetic administration apparatus that teaches what is claimed in claim 16. In the apparatus the inlet is located on the right side of the rat chamber located to the far right. This inlet is located adjacent to the rat chambers, which are the anaesthetic administration stations. The inlet is then connected to an exhaust by means of a conduit leading to the vacuum.

11. What is claimed in claim 17 is "the method of claim 16, wherein said surgery suite is an animal surgery suite, and said anaesthetic administration station is an induction chamber, where animals are initially anaesthetized."

Jaramillo discloses an anaesthetic administration apparatus in which an

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anaesthetic is sent through conduits to an animal subject within induction chambers designated in figure 1 as rat chambers. In column 4 in lines 51-68 and in column 5 in lines 1-14, Jaramillo describes the set up and steps in an experiment that was carried out involving the induction of animal subjects with an anaesthetic gas located within the induction chambers.

12. What is claimed in claim 19 is "a ventilation system for reducing the amount of anaesthetic released from an anaesthetic administration station into a surgery suite, the system comprising at least one inlet for discharging gas to be exhausted, said inlet being positioned adjacent to an area of anaesthetic release from the anaesthetic administration station." Jaramillo teaches a an anaesthetic administration apparatus shown in figure 1 that comprises an inlet located on the side wall of the rat chamber located to the far right. The inlet is located adjacent to this particular rat chamber used to induce the animal subject with a gaseous anesthesia. The inlet is attached to a conduit through which a vacuum is used to suction the gas through the rat chambers to be exhausted.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 4,053,604 to Jaramillo in view of U.S. Patent No. 5,626,130 to Vincent.

15. What is claimed in claim 2 is "the ventilation system of claim 1 comprising a plurality of areas of anaesthetic release and an inlet adjacent to each area." In Fig. 1(4,053,604), Jaramillo shows a testing apparatus for administering an anaesthetic to rats located within the designated rat chambers with one inlet located adjacent to the last rat chamber on the right hand side to remove the anaesthetic from the chambers. In Fig. 1 (5,626,130), Vincent shows a respiratory system for administering a gas substance to small animals. In the figure, 2 chambers (16) are shown in which a nasal part of the animal's head is accommodated to supply a gas, which could be an anaesthetic. It shows two separate inlets attached to two separate conduits leading to the exhaust manifold (10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach an inlet at each rat chamber of Jaramillo as taught by Vincent to induce a more uniform gas flow distribution of anesthesia within the system.

16. What is claimed in claim 3 is "the ventilation system of claim 2, wherein said conduit comprises a main pipe connected at one end to the exhaust, and a plurality of branch pipes, each branch pipe connecting an inlet to said main pipe."



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In figure 1 of Vincent, a main pipe (18) is connected at one end to the exhaust manifold (10), and a plurality of branch pipes designated as 20 and 22 with each branch pipe connecting an inlet to said main pipe (18). Again it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rat chambers shown by Jaramillo to add a pipe system as taught by Vincent consisting of a main pipe connected to an exhaust and a plurality of branch pipes to induce a more uniform gas flow distribution of anesthesia within the system.

17. What is claimed in claim 4 is "the ventilation system, wherein each branch pipe includes a valve for regulating flow in said branch pipe." In figure 1 (5,626,130) Vincent shows valves designated by 24 attached to each branch pipe or conduit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the anaesthetic administration system of Jaramillo to add valves within each branch pipe to regulate the flow of anaesthetic. In this way, anaesthetic can be released to a certain animal subject within a specific chamber without adding applying more anaesthetic to the other animals within different chambers.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,053,604 to Jaramillo as applied to claim 1 in further view of U.S. Patent No. 5,297,502 to Jaeger. What is claimed in claim 5 is "the ventilation system of claim 1, further comprising means for entraining air in the

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form of a fan disposed in the region of said exhaust. Jaramillo discloses a testing apparatus used to administer anesthesia to rats placed within four chambers as shown in figure 1. The anesthesia is suctioned through the pipe system to an exhaust by means of a vacuum. Jaeger discloses an apparatus for exposing laboratory animals to a gas or vapor substance, which can inherently be anesthesia, directly to the nose of the animals. In column 11 in lines 64-68 and in column 12 in lines 1-14, Jaeger discloses the process involving the removal of the administered gas from the system. The gas substance travels through the system and eventually to an outlet (214) "where it may be captured by a collection system (not shown) for re-use or exhausted into the atmosphere via an exhaust fan (also not shown)." It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a fan or any other suction means in the region of the exhaust to entrain air or gas because these gas exhaust means are well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amadeus S. Lopez whose telephone number is (571) 272-7937. The examiner can normally be reached on Mon-Fri 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on (571) 272-4791. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASL

Amadeus S Lopez  
Examiner  
Art Unit 3743  
December 28, 2005

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700